

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT STEELE,
 Plaintiff,
 v.
 MSNBC, *et al.*,
 Defendants.

Case No. 2:23-cv-02153-JAD-NJK

ORDER

[Docket No. 1]

Pursuant to 28 U.S.C. § 1915 Plaintiff is proceeding in this action *pro se* and has requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*. Docket No. 1. Plaintiff also submitted a complaint. Docket No. 1-2.¹

I. In Forma Pauperis Application

Plaintiff filed the affidavit required by § 1915(a). Docket No. 1. Plaintiff has shown an inability to prepay fees and costs or give security for them. Accordingly, the request to proceed *in forma pauperis* will be granted pursuant to 28 U.S.C. § 1915(a). The Clerk's Office is further **INSTRUCTED** to file the complaint on the docket. The Court will now review Plaintiff's complaint.

II. Screening the Complaint

Upon granting an application to proceed *in forma pauperis*, courts additionally screen the complaint pursuant to § 1915(e). Federal courts are given the authority to dismiss a case if the action is legally "frivolous or malicious," fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). When a court dismisses a complaint under § 1915, the plaintiff should be given leave to amend the complaint with directions as to curing its deficiencies, unless it is clear from the face of the

¹ The Court liberally construes the filings of *pro se* litigants. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

1 complaint that the deficiencies could not be cured by amendment. *See Cato v. United States*, 70
2 F.3d 1103, 1106 (9th Cir. 1995).

3 Rule 12(b)(6) of the Federal Rules of Civil Procedure provides for dismissal of a complaint
4 for failure to state a claim upon which relief can be granted. Review under Rule 12(b)(6) is
5 essentially a ruling on a question of law. *See Chappel v. Lab. Corp. of Am.*, 232 F.3d 719, 723
6 (9th Cir. 2000). A properly pled complaint must provide a short and plain statement of the claim
7 showing that the pleader is entitled to relief. Fed.R.Civ.P. 8(a)(2); *Bell Atlantic Corp. v. Twombly*,
8 550 U.S. 544, 555 (2007). Although Rule 8 does not require detailed factual allegations, it
9 demands “more than labels and conclusions” or a “formulaic recitation of the elements of a cause
10 of action.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Papasan v. Allain*, 478 U.S. 265,
11 286 (1986)). The court must accept as true all well-pled factual allegations contained in the
12 complaint, but the same requirement does not apply to legal conclusions. *Iqbal*, 556 U.S. at 679.
13 Mere recitals of the elements of a cause of action, supported only by conclusory allegations, do
14 not suffice. *Id.* at 678. Secondly, where the claims in the complaint have not crossed the line from
15 conceivable to plausible, the complaint should be dismissed. *Twombly*, 550 U.S. at 570.
16 Allegations of a *pro se* complaint are held to less stringent standards than formal pleadings drafted
17 by lawyers. *Hebbe v. Pliler*, 627 F.3d 338, 342 & n.7 (9th Cir. 2010) (finding that liberal
18 construction of *pro se* pleadings is required after *Twombly* and *Iqbal*).

19 Plaintiff alleges that Defendants are conspiring with the Hamas terrorist organization to
20 use marketing techniques to alter the minds of children and undermine the United States Marines.
21 Docket No. 1-2 at 1. *Pro se* litigants have no authority to represent anyone other than themselves.
22 *See Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664 (9th Cir. 2008) (non-attorney plaintiff may not
23 attempt to pursue a claim on behalf of others in a representative capacity). Additionally, Plaintiff
24 must allege his own specific injury to demonstrate standing. “In accordance with Article III of the
25 United States Constitution, a plaintiff must have standing to bring a claim before a federal court.”
26 *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992). To satisfy Article III’s standing
27 requirement, a plaintiff must assert (1) an injury in fact that is (a) concrete and particularized and
28 (b) actual or imminent; (2) a causal connection between the injury and a defendant’s conduct; and

(3) a likelihood that judicial relief will redress the injury. *Id.* Plaintiff bears the burden of establishing standing. *Id.* Plaintiff has alleged no injury and, looking at Plaintiff's complaint in the light most favorable to him, any injury alleged is that of other individuals and entities, which Plaintiff cannot use to bring a claim as a *pro se* litigant.

Accordingly, Plaintiff fails to establish standing to bring this case in this Court. Although it appears unlikely that Plaintiff could cure the deficiencies identified herein, the Court will provide him one opportunity to do so if he believes he can.

III. Conclusion

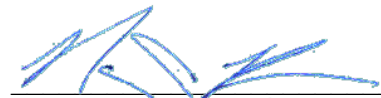
Accordingly, **IT IS ORDERED** that:

1. Plaintiff's request to proceed *in forma pauperis* is **GRANTED**. Plaintiff is not required to pay the filing fee. Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of a security therefor. This order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or service of subpoenas at government expense.
2. The Clerk's Office is **INSTRUCTED** to file Plaintiff's complaint on the docket.
3. The complaint is **DISMISSED** with leave to amend. Plaintiff will have until **February 6, 2024**, to file an amended complaint, if the noted deficiencies can be corrected. If Plaintiff chooses to amend the complaint, Plaintiff is informed that the Court cannot refer to a prior pleading (i.e., the original complaint) in order to make the amended complaint complete. This is because, as a general rule, an amended complaint supersedes the original complaint. Local Rule 15-1(a) requires that an amended complaint be complete in itself without reference to any prior pleading. Once a plaintiff files an amended complaint, the original complaint no longer serves any function in the case. Therefore, in an amended complaint, as in an original complaint, each claim and the involvement of each Defendant must be sufficiently alleged.

1 **4. Failure to comply with this order will result in the recommended dismissal of this**
2 **case.**

3 IT IS SO ORDERED.

4 Dated: January 9, 2024

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7 Nancy J. Koppe
8 United States Magistrate Judge
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